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7           **UNITED STATES DISTRICT COURT**  
8           **DISTRICT OF NEVADA**  
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10 SAM MIZRAHI,

11           Plaintiff,

12 v.

13 COMMISSIONER OF SOCIAL  
14 SECURITY )  
ADMINISTRATION,

15           Defendant.

Case No. 2:12-CV-00285-KJD-GWF

**ORDER**

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17       Before the Court for consideration is the Report & Recommendation (#21) of Magistrate  
18 Judge George Foley, Jr., recommending that Plaintiff's Motion for Summary Judgment (#17) be  
19 denied and recommending that Defendant's Cross-Motion to Affirm (#19) be granted. No objection  
20 to the Report and Recommendation has been filed.

21       The Court has conducted a *de novo* review of the record in this case in accordance with 28  
22 U.S.C. § 636(b)(1) and LR IB 3-2. Based on its review, the Court agrees with Judge Foley's  
23 determination that the Administrative Law Judge's determination in this case was supported by  
24 substantial evidence, and that the Administrative Law Judge did not err as a matter of law in  
25 concluding that Plaintiff is not disabled.  
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1           **IT IS HEREBY ORDERED THAT** the Report & Recommendation (#21) of United States  
2 Magistrate Judge Foley, should be **ADOPTED and AFFIRMED.**

3           **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment (#17) is  
4 **DENIED.**

5           **IT IS FURTHER ORDERED** that Defendant's Cross-Motion to Affirm (#19) is  
6 **GRANTED.**

7           DATED this 4th day of February 2013.

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Kent J. Dawson  
United States District Judge

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